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Dated: June 5, 2003

Signature: 
(Anthony Colanich)

pa
6/18/03

Docket No.: 286002021300
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Timothy R. BRAZELTON and Helen M. BLAU

Application No.: 09/993,045

Group Art Unit: 1632

Filed: November 13, 2001

Examiner: Q. Li

For: METHODS FOR TREATING DISORDERS OF
NEURONAL DEFICIENCY WITH BONE
MARROW-DERIVED CELLS

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed May 5, 2003 (Paper No. 6), Applicants hereby elect Group I (Claims 1-33) for continued examination.

The Office Action further requires election of a combination of species for examination in the event no generic claims are found allowable.

Whereas Applicant believes that a generic claim will be found allowable, Applicant hereby elects one component from each of three species, with traverse.

I. Applicants submit that neuronal deficiency and memory function are not patentably distinct species. According to the invention both neuronal deficiency and memory function are addressed the same way. ("inducing formation of new neurons in the nervous system of the subject; and improving symptoms of the neuronal deficiency or improving memory function in the individual" *see* paragraphs 0014-0016). In the event the arguments are not found persuasive,

Applicants select "neuronal deficiency" with traverse.

II. Applicants select autologous cells

III. The Specification states that "one or more neuronal factors affecting the proliferation, differentiation and/or survival of neurons" are suitable for the invention. (*see* paragraph 0071). The neuronal factors are patentably indistinct as long as they perform the specified function. In the event the arguments are not found persuasive, Applicants elect nerve growth factor with traverse.

Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

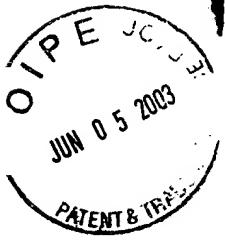
Applicants request examination of the elected subject matter on the merits.

Dated: June 5, 2003

Respectfully submitted,

By Shantanu Basu
Shantanu Basu

Registration No.: 43,318
MORRISON & FOERSTER LLP
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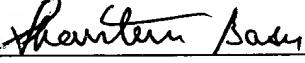
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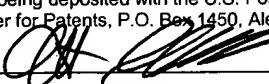
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PTO/SB/21 (08-00)
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/993,045
		Filing Date	November 13, 2001
		First Named Inventor	Timothy R. BRAZELTON
		Group Art Unit	1632
		Examiner Name	Q. Li
Total Number of Pages in This Submission	3	Attorney Docket Number	286002021300

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) 1. Response to Restriction Requirement (2 pages) 2. Return Receipt Postcard
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual Name	MORRISON & FOERSTER LLP Shantanu Basu - 43,318  25226	
Signature	 PATENT TRADEMARK OFFICE	
Date	June 5, 2003	

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Dated: 6-5-03Signature: 

(Anthony Soljanich)